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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Twelfth periodic report of States parties due in 1997

Addendum

Jordan*

[Original: Arabic]
[10 October 1997]

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* This document contains the ninth, tenth, eleventh and twelfth periodic reports, submitted in one document, due on 29 June 1991, 1993, 1995 and 1997, respectively. For the seventh and eighth periodic reports of Jordan, submitted in one document, and the summary record of the meeting at which the Committee considered these reports, see documents CERD/C/183/Add.1 and CERD/C/SR.864.

The annexes to the report submitted by the Government of Jordan may be consulted in the secretariat's files.

The information submitted by Jordan in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.18/Rev.1

GE.98-15815 (E)

1. Jordan is among the States that adhere most strictly to the international conventions concerning respect for human rights. Jordanian national legislation guarantees and safeguards public rights and freedoms in order to protect the individual through constitutional and legislative texts. Article 6, paragraph 1, of the Jordanian Constitution explicitly stipulates that: "Jordanians are equal before the law and there shall be no discrimination between them in regard to their rights and obligations on grounds of race, language or religion". Article 7 of the Constitution further stipulates that: "Personal freedom shall be safeguarded". Jordan has never suffered from the phenomenon of discrimination on racial, ethnic or religious grounds, since all its minorities and religious communities enjoy full citizenship rights and participate in all aspects of national life. Under article 6, paragraph 2, of the Jordanian Constitution: "The State shall do everything within its power to ensure the availability of work and education and to guarantee peace of mind and equality of opportunity for all Jordanians". This confirms that there is no racial discrimination whatsoever in Jordan, since all are equal in regard to their rights and obligations.

2. Jordan has complied with the international instruments that are endorsed and secured by its Constitution, its National Charter and its laws and regulations in a manner consistent with the Charter of the United Nations, particularly since His Majesty King Hussein issued his directives concerning the resumption of the democratic process in 1989 when political pluralism and respect for human rights, the rule of law and the independence of the judicial authority became the cornerstones of democratic life in Jordan. Hence, Jordanian legislation, consisting in the Constitution and the laws and regulations, is in keeping with the provisions and principles set forth in the international and regional covenants and conventions concerning human rights and, in particular, racial discrimination. The Jordanian House of Representatives, which is elected in a free and fair manner, promulgates legislation and laws concerning personal freedoms in accordance with the provisions of article 7 of the Constitution, which stipulates that: "Personal freedom shall be safeguarded". Consequently, Jordan has encountered no difficulty in fulfilling this obligation in spite of the delay in the submission of its reports to the Committee on the Elimination of Racial Discrimination.

Population

3. According to the latest census conducted by the Department of Statistics in 1996, the population of Jordan amounts to 4,440,000 persons distributed as follows:

Governorate	Females	Males	Total
Capital	809 700	886 600	1 696 300
Balqa	143 100	148 200	301 300
Zarqa	329 700	357 300	687 000
Madaba	52 900	57 800	110 700
Irbid	338 000	414 200	802 200
Mafraq	91 500	100 400	191 900
Jarash	63 600	68 900	132 500
Ajloun	49 800	51 600	101 400
Karak	87 100	95 100	182 200
Tafila	32 400	35 100	67 500
Ma'an	39 100	46 200	85 300
Aqaba	37 300	48 400	85 700
Total	2 124 200	2 319 800	4 444 000

4. Population statistics in Jordan according to the latest census (1995):

Overall fertility rate	4.6
Infant mortality rate (in thousands)	29
Life expectancy at birth (in years):	
Males	66
Females	70
Dependency ratio	0.8

5. The illiteracy rate by age group is as follows:

15 years and above	14.2
Males	8.6
Females	20.3

6. The number of Jordanians residing abroad, according to the latest census conducted by the Department of Statistics in 1994, is 29,427. The urban proportion of the Kingdom's total population is 87.2 per cent, according to the 1996 census. The rural proportion of the Kingdom's total population is 21.8 per cent, according to the 1996 census.

7. Jordan's population is a mixture of various races, religions and minorities (Muslim and Christian Arabs, Circassians, Chechen, Armenians and members of the East Syrian Church). In spite of this mixture, however, there is no discrimination between them and, since they all hold Jordanian nationality, they enjoy the same rights, obligations, privileges and freedoms as stipulated in article 6, paragraph 1, of the Constitution ("Jordanians are equal before the law and there shall be no discrimination between them in regard to their rights and obligations on grounds of race, language or religion").

Nationality and naturalization

8. Jordanian nationality is based on the rules concerning nationality as set forth in the Treaty of Lausanne of 24 July 1923, which entered into force on 30 August 1924. Under the terms of that treaty, citizens became ipso facto, on the conditions laid down by the local law, nationals of the State to which the territory in which they were residing was transferred. The Arab States that were detached from the Ottoman State promulgated their nationality laws in accordance with the provisions of that treaty. Jordan promulgated a legislative act to regulate its own nationality in 1928 and the enactment currently in force in Jordan is Act No. 6 of 1954, as amended.

9. Under article 3 of the Nationality Act, the following persons are deemed to be Jordanian nationals:

(a) Anyone who has obtained Jordanian nationality or a Jordanian passport in accordance with the Jordanian Nationality Act of 1928, as amended, and Act No. 6 of 1954;

(b) Any non-Jews who held Palestinian nationality prior to 15 May 1957 and were normally resident in Jordan during the period from 20 December 1949 to 16 February 1954;

(c) Anyone born to a father holding Jordanian nationality;

(d) Anyone born in Jordan to a mother holding Jordanian nationality and an unknown or stateless father or a father whose paternity has not been legally established;

(e) Anyone born in Jordan to unknown parents (any foundling discovered in the Kingdom is deemed to have been born therein failing proof to the contrary);

(f) All members of the northern nomadic tribes referred to in article 25 (j) of the Provisional Electoral Act No. 24 of 1960 who were actually living in the territories incorporated in the Kingdom in 1930.

10. Under article 4, any Arab who has normally been resident in Jordan for not less than 15 consecutive years is entitled to be granted Jordanian nationality, by decision of the Council of Ministers based on a recommendation by the Minister of the Interior, if he renounces his original nationality in a written declaration, provided that such is permitted under the laws of his country, on the following conditions:

(a) He must be of good conduct and repute and must not have been convicted of an offence prejudicial to honour or morality;

(b) He must have a legitimate means of livelihood;

(c) He must be of sound mind and not afflicted with any disability that would make him a burden on society;

(d) He must take the oath of loyalty and allegiance to His Majesty the King before a justice of the peace.

11. Under the terms of article 5, His Majesty the King may, on the recommendation of the Council of Ministers, grant Jordanian nationality to any expatriate who submits a written declaration opting for Jordanian nationality, provided that he renounces any other nationality that he might be holding at the time of submission of the said declaration.

Nationality by marriage

12. According to article 8:

(a) A foreign woman who marries a Jordanian may be granted Jordanian nationality, subject to approval by the Minister of the Interior, if she applies for it in writing:

(i) After three years of marriage if she holds an Arab nationality;

(ii) After five years of marriage if she holds the nationality of a non-Arab State;

(b) A Jordanian woman who marries a non-Jordanian and acquires her husband's nationality may retain her Jordanian nationality unless she renounces it in accordance with the provisions of the Nationality Act. She has the right to recover her Jordanian nationality, by submitting an application to that end, if her marital status is terminated for any reason;

(c) A Jordanian woman whose husband acquires the nationality of another State for private reasons may retain her Jordanian nationality.

13. Under article 12, any non-Jordanian enjoying legal capacity who meets the following conditions may apply to the Council of Ministers for a Jordanian naturalization certificate:

(a) He must have been normally resident in Jordan for four years prior to the date of application;

(b) He must intend to reside in Jordan;

(c) He must not have been convicted of an offence prejudicial to honour or morality;

(d) He must be able to read and write Arabic;

(e) He must be of good conduct and repute;

(f) He must be of sound mind, unafflicted with any mental illness, and must not be a burden on society;

(g) He must have a legitimate means of livelihood and must not compete with Jordanians in occupations which a sufficient number of them are capable of exercising.

14. A person's acquisition of Jordanian nationality means that he becomes a Jordanian citizen with the same rights and obligations as other Jordanians. Under article 14: "Anyone who acquires Jordanian nationality through naturalization shall be considered a Jordanian in all respects. However, he shall not be entitled to hold political or diplomatic posts or public functions designated by the Council of Ministers, nor may he become a member of the National Assembly, until at least 10 years after his acquisition of Jordanian nationality. Likewise, he shall not be entitled to stand as a candidate in elections to municipal and village councils and trade unions until at least five years after his acquisition of Jordanian nationality".

Issue of passports to Palestinians

15. Temporary Jordanian passports were issued to residents of the West Bank affected by the decision to sever legal and administrative links with the West Bank and the instructions promulgated pursuant thereto since, prior to the decision to sever those links, those persons held permanent Jordanian passports in their capacity as Jordanian nationals. Everyone residing in the West Bank prior to 31 July 1988 was henceforth regarded as a Palestinian and not a Jordanian citizen. Residence, as interpreted by the Supreme Court in many of its rulings, means actual residence or property ownership.

16. Temporary Jordanian passports were also issued to displaced residents of the Gaza Strip who settled in the Kingdom in 1968, in order to facilitate their movements and make life easier for them. These temporary passports were valid for a period of two years and did not endow the holders with Jordanian nationality.

17. The holding of Jordanian nationality and permanent passports by Jordanian citizens of Palestinian origin does not preclude the realization of their aspirations in regard to their right to return to Palestine or to receive compensation, since the refugee issue is a political question. Nationality does not invalidate their political and historical rights, since their inalienable and inviolable right to return or to receive compensation is guaranteed by international law and conventions. Jordanians of Palestinian origin will have the right to choose between Jordanian or Palestinian nationality.

Palestinians in Jordan

18. Following the announcement of the establishment of the State of Israel on part of Palestinian territory on 15 May 1948, the Palestinians in the West Bank and Jerusalem opted for unification with Jordan. This unification became effective on 14 April 1950 after its proclamation by a parliament elected by the population of the East and West Banks. By virtue of this fusion, the Palestinians in the West Bank and Jerusalem became Jordanian citizens holding Jordanian nationality and enjoying full citizenship rights. The Jordanian State continued to exercise sovereignty and political responsibility over the territory and population of the West Bank and Jerusalem and the Jordanians living in the West Bank governorates enjoyed all the rights and freedoms guaranteed by Jordan's Constitution and laws, including the right to freedom of movement within the Kingdom and the right to reside wherever they chose. They also exercised their right to work, to occupy posts in the official civil and military institutions and to be promoted to the highest grades in the civil service hierarchy. This situation continued until 1974 when, at the Rabat summit, Jordan deferred to Arab and Palestinian demands to declare the Palestine Liberation Organization the sole legitimate representative of the Palestinian people.

19. In 1988, Jordan announced the severance of its legal and administrative links with the West Bank since, in view of the local, regional and international changes, it had become essential to endeavour to assist the Palestine Liberation Organization to assume its responsibilities and proclaim the establishment of the Palestinian State.

20. The Jordanian Government's decision to sever those links meant that a number of measures had to be taken to give effect to the purport and the substance of that decision. The Government decided to regard everyone residing in the West Bank prior to 31 July 1988 as a Palestinian and not a Jordanian citizen. In the interests of our Palestinian brothers, the Government agreed to issue temporary Jordanian passports valid for a period of two years (subsequently extended to five years) to Palestinian applicants. The purpose of these passports (travel documents) was to help their holders to travel freely throughout the world. Although they were recognized as official documents, they did not imply that their holder was a Jordanian citizen holding Jordanian nationality.

21. Instructions were issued to continue renewing the temporary passports of persons from the Gaza Strip residing in Jordan. These displaced persons from Gaza who settled in Jordan in 1967 were treated differently from the displaced persons from the West Bank who held, and still hold, Jordanian nationality since the Gaza Strip, being under Egyptian administration, was excluded from the unification of the two Banks after 1948. However, the successive Jordanian Governments hosted displaced persons from the Gaza Strip, accorded them special treatment and granted them the status of permanent residents of the Kingdom, in which capacity they enjoyed freedom of movement and the right to work and receive health and educational services. These groups, particularly at Gaza camp, are receiving all the various services which the Government provides for the camps, refugees and displaced persons.

The situation of the Palestinian refugees

22. In 1948, as a result of the military operations that took place in Palestine before and after the establishment of the State of Israel, about 750,000 Palestinians were forced to leave their land and seek refuge in neighbouring Arab States. Jordan received the largest number of Palestinian refugees, thousands of whom sought refuge in the East Bank. According to UNRWA statistics, at the end of 1996 they numbered 1,389,603, i.e. about 41 per cent of the total of 3,368,330 Palestinian refugees registered with the Agency in its five operational areas (Jordan, the Syrian Arab Republic, Lebanon, the West Bank and the Gaza Strip).

23. UNRWA defines a Palestinian refugee as anyone who was normally resident in Palestine for a period of not less than two years prior to the outbreak of the Arab-Israeli conflict in 1948 and who, as a result thereof, lost his home and his means of livelihood. This definition excludes large numbers of Palestinian refugees to whom its conditions do not apply since they emigrated and were able to secure a livelihood without the need for UNRWA assistance.

24. In 1967, as a result of Israel's occupation of the West Bank and the Gaza Strip, a further wave of about 385,000 displaced persons sought refuge in the East Bank. About half of these were refugees who had been living in camps in the West Bank and the Gaza Strip and were forced to become refugees for the second time in less than 20 years.

25. During the years following the occupation of the West Bank and the Gaza Strip, migrations to Jordan continued due to Israeli occupation policies and practices. Military expulsion orders, the destruction of Palestinian villages and the displacement of their inhabitants caused almost 7,000 Palestinians to migrate every year, i.e. a total of 140,000 Palestinians during the period from 1968 to 1988.

26. Jordan also faced a third sudden migration of about 300,000 Jordanian and Palestinian citizens returning from the Gulf States as a result of the Gulf war which began in August 1990.

27. Jordan is the only Arab State that has treated the Palestinian refugees in a largely positive manner by granting them Jordanian nationality and opportunities to integrate into society as citizens without prejudice to their legitimate rights which, in accordance with United Nations resolutions, and particularly General Assembly resolution 194 (III) of 1948, can be summarized as the right to return or to receive compensation. The Palestinian refugees in Jordan have all the rights and obligations of citizenship and wherever the term "Jordanian" appears in the Constitution, the National Charter or Jordanian legislation it refers to any Jordanian citizen regardless of whether he or she is a refugee or a displaced person, etc.

Residence of Palestinian refugees

28. According to UNRWA statistics, the number of refugees registered with the Agency in Jordan on 30 June 1996 amounted to 1,358,706, of whom 258,204 were living in 10 camps supervised by the Agency while the vast majority (1,100,502) were living outside the camps in various towns and villages in the Kingdom. The fact that the largest proportion (81 per cent) of the Palestinian refugees in Jordan are living outside the 10 camps clearly shows

that the Palestinian refugees, in their capacity as Jordanian citizens, enjoy full freedom of movement and residence outside the camps in any part of the Kingdom. They also enjoy better conditions and a higher standard of living than the refugees in the other operational areas (Syrian Arab Republic, Lebanon, the West Bank and the Gaza Strip) and benefit from all the government services and programmes that the State provides for its citizens. According to the official estimates, the annual expenditure on the direct services provided for the refugees amounts to $300 million. From the standpoint of the operations of UNRWA (the organization established by the international community to care for the Palestinian refugees), Jordan is therefore not only the State hosting the largest number of refugees but also the largest donor State, since the amount spent by the Jordanian Government is almost equivalent to the total annual budget of UNRWA for all its operational areas.

29. The services provided for the Palestinian refugees are divided into two types, indirect services and direct services.

30. The indirect services include the following:

(a) One of the principal services consists in Jordan's fundamental political position and the full support that it gives in all the various international forums by upholding the legitimate rights of the refugees and demanding implementation of the United Nations resolutions in this regard;

(b) The economic and financial burdens that Jordan is still bearing due to the abnormal and sudden increases in its population and the consequent increase in government services;

(c) The concentration of most of the refugees and displaced persons in the main towns, which has increased the urban proportion of the population, thereby creating an imbalance in the geographical distribution of the population and contributing to the random growth and development of the towns;

(d) The refugees benefit from all the services that the Jordanian Government provides for its citizens in various fields, including employment services in the public and private sectors, social and health insurance, economic and social infrastructural services, government investment projects for the development plans, programmes to combat poverty and unemployment, government housing projects, programmes to combat environmental pollution, the subsidization of foodstuffs and also the security and stability which are provided by the security agencies and the services rendered by the judicial authority in imposing the rule of law;

(e) Jordan is hosting offices and a number of the principal departments of UNRWA in its territory and is treating the Agency in the same way as international organizations and foreign missions by exempting it from a large number of Customs duties and taxes.

31. The direct services are the following:

(a) The annual rent of the land on which the camps have been established, which is paid from the State Treasury;

(b) Implementation of infrastructural projects and provision of maintenance and other general services at the camps, such as the paving

and lighting of roads, water and electricity supply, sanitation projects, installation of concrete drains, construction of public buildings, postal services, etc.;

(c) Maintenance of security and order and payment of the costs of establishing and maintaining public security and civil defence centres;

(d) Maintenance of cleanliness in the camps and provision of pesticides to exterminate insects and rodents whenever necessary;

(e) Monitoring and enforcement of compliance with regulations concerning housing and public utilities and the granting of permits for the renovation or expansion of housing units and the opening of commercial premises;

(f) The Jordanian Government is providing assistance in kind for about 200,000 displaced persons. This assistance includes basic commodities, such as rice and sugar, which are distributed four times per year.

The Electoral Law

32. The Electoral Law currently in force in Jordan is the House of Representatives Electoral Act No. 22 of 1986, as amended.

33. With regard to proportional representation, Christians occupy 9 out of a total of 80 seats in the Jordanian House of Representatives, i.e. 11.25 per cent of the total number of members, even though they constitute less than 4 per cent of the population. The Circassians and Chechen hold 3 of the 80 seats, i.e. 3.75 per cent of the total number of members, even though they constitute only about 1.3 per cent of the Kingdom's population (see annex 1).

Political parties

34. Article 16 of the Jordanian Constitution stipulates as follows:

> "1. Jordanians have the right of assembly within the limits of the law.
>
> "2. Jordanians have the right to form associations and political parties, provided that their aims are lawful, that their means are peaceful and that their rules of procedure are consistent with the provisions of the Constitution.
>
> "3. The procedures for the formation of associations and political parties and for the control of their resources shall be regulated by law."

35. The National Charter contains the rules and regulations concerning political pluralism, since these were not specified in detail in the Jordanian Constitution or previous legislation. According to the National Charter: "Jordanians have the right to form and join political parties and organizations, provided that their aims are lawful, that their means are peaceful and that their rules of procedure are consistent with the provisions of the Constitution".

36. The Government, being committed to implement the provisions of the National Charter, rapidly promulgated new legislation to regulate the activities of political parties. This legislation, known as the Political Parties Act No. 32 of 1992 (annex 2), clearly and explicitly sets forth the basic principles with which parties must comply. For example, under the terms of article 21 of the Act:

> "In the exercise of its activities, the party shall comply with the following principles and rules:
>
> "(a) Respect for the principles of the Constitution and the rule of law.
>
> "(b) Respect for the principle of political pluralism in regard to ideology, opinion and organization.
>
> "(c) The obligation to protect the country's independence and security, preserve national unity, reject all forms of violence and refrain from discriminating between citizens.
>
> "(d) The obligation to ensure equality of opportunity for all citizens in regard to the assumption of responsibility or participation therein."

37. The political parties in Jordan were established on the non-ethnic and non-confessional basis of citizenship and national identity, as required by article 4 of the Political Parties Act, which stipulates that: "Jordanians have the right to form and voluntarily join political parties in accordance with the provisions of the law". The following parties have been licensed under the terms of this Act:

No.	Name of party	Date of establishment	Number of founding members	Licensed newspapers
1	The Jordanian Arab Socialist Baath Party	18/1/1993	75	Al-Baath
2	The Jordanian Communist Party	17/1/1994	71	Al-Jamahir
3	The Islamic Action Front Party	7/12/1992	312	Al-Amal al-Islami
4	The Jordanian People's Democratic Party ("Hashad")	24/1/1993	100	Al-Ahali

No.	Name of party	Date of establishment	Number of founding members	Licensed newspapers
5	The Al-Mustaqbal Party	8/12/1992	158	Al-Mustaqbal
6	The Jordanian Democratic Popular Unionist Party	9/2/1993	94	Nida al-Watan
7	The Progressive Party	10/2/1993	59	Al-Hurriya
8	The Arab Baath Progressive Party	13/4/1993	76	
9	The Arab Islamic Democratic Movement (Du'a)	12/4/1993	72	Al-Asr al-Jadid
10	The National Action Party (Haqq)	10/1/1994	66	
11	The Jordanian Arab Constitutional Front Party	31/1/1994	65	
12	The Liberal Party	20/10/1994	105	Al-Ahrar
13	The Jordanian Unionist Democratic Party a/	7/9/1995		
14	The Jordanian Arab Ansar Party	11/12/1995	85	
15	The Jordanian Peace Party	17/6/1996	106	
16	The Al-Umma Party	25/6/1996	59	
17	The Arab Land Party	15/12/1996	67	
18	The National Constitutional Party b/	6/5/1997		
19	The Popular National Democratic Movement	10/7/1997		

a/ This party was formed as a result of a merger between the following parties: The Jordanian Democratic Progressive Party, the Democratic Socialist Party and the Jordanian Arab Democratic Party.

b/ This party was formed as a result of a merger between the following parties: The Jordanian National Alliance Party, the Popular Unionist Party, the Jordanian Al-Ahd Party, the Progress and Justice Party, the Al-Yaqtha Party, the United Arab Democratic Party (Wa'd), the Homeland Party, the Jordanian Arab People's Party and the Jordanian Popular Movement Party.

Legislation in force to punish racial discrimination

38. The legislation in force to punish racial discrimination in Jordan consists in the Penal Code (Act No. 16 of 1960). The articles of this Code under which racial discrimination is punishable are:

(a) Offences prejudicial to national unity or detrimental to social harmony:

(i) Article 150: "Any action and any written or spoken communication that gives rise, or is intended to give rise, to confessional or racial bigotry or seeks to instigate strife among the various communities and races that constitute the nation shall be punished by imprisonment for a term of six months to three years and a fine of up to 50 dinars."

(ii) Article 151: "1. Any person who belongs to an association established for the purposes mentioned in the preceding article shall be liable to the same penalty.

"2. The term of imprisonment shall be not less than one year and the fine shall be not less than 10 dinars if the said person holds an executive position in the association.

"3. In every case, an order shall be issued for the dissolution of the association and the confiscation of its assets."

(b) Offences prejudicial to religion and the family:

(i) Article 273: "Any person who is found to have publicly maligned the prophetic sources of religious law shall be imprisoned for a period of one to three years."

(ii) Article 274: "Anyone who openly fails to observe the fast in Ramadan shall be punished by a term of up to one month's imprisonment and a fine of up to 15 dinars."

(iii) Article 275: "Anyone who damages, destroys or desecrates a place of worship, an emblem or any object held sacred by a community with the intention of insulting the religion of that community, or in the knowledge that the community would regard such an action as an insult to its religion, shall be punished by imprisonment for a period of one month to two years or by a fine of 5 to 50 dinars."

(iv) Article 276: "Anyone who, without justification or legitimate reason, wilfully harasses a group of persons lawfully gathered together to celebrate religious rites, derides their celebration of such rites, causes a disturbance during the celebration or molests any person legally celebrating or attending such communal religious rites shall be punished by a penalty of up to three months' imprisonment or a fine of up to 20 dinars."

(v) Article 277: "Anyone who attacks, desecrates or destroys a place used for the burial of the dead or intended for the celebration of funeral rites or the preservation of the remains of the dead, or monuments to the dead, or who shows disrespect for the dead or disturbs persons gathered together to celebrate funeral rites, with the intention of hurting the feelings of any person or insulting his religion or in the knowledge that such an act would probably hurt the feelings of any person or entail a religious insult, shall be liable to a term of up to three months' imprisonment or a fine of up to 20 dinars."

(vi) Article 278: "A penalty of imprisonment for a period of not more than three months, or a fine not exceeding 20 dinars, shall be imposed on any person who:

"1. Publishes any printed, written, pictorial, graphic or symbolic material that is likely to offend the religious susceptibilities or insult the religious beliefs of other persons;

or

"2. Utters, in a public place or within hearing of another person, a word or a sound that is likely to offend the religious susceptibilities or beliefs of that other person."

(Annex 3: Copies of Jordanian court judgements showing that there is no discrimination between Jordanians and non-Jordanians.)

Freedom of religion and belief

39. This freedom means that every individual can adopt the religion or belief of his choice and is free to practise the observances of that religion in private or in public. No specific religion can be imposed on him, nor can he be compelled to display the external symbols or participate in the various rites of a religion other than his own. It also means that every individual is free to change his religion or belief insofar as public order and morality permit.

40. Freedom of religion and belief is recognized in the Jordanian Constitution, article 14 of which stipulates that: "The State shall ensure the free exercise of religious observance and belief in accordance with the customs prevailing in the Kingdom, provided that such is not prejudicial to public order or incompatible with morality."

41. Notwithstanding the provision contained in article 2 of the Jordanian Constitution, which designates Islam as the religion of the State, the State protects freedom of religion for both Muslims and non-Muslim religious communities in Jordan by allowing each community to apply its own religious law.

42. Part One, chapter VI, of the Jordanian Penal Code prescribes penalties for anyone who hurts religious sensibilities by publicly maligning the prophetic sources of religious law, openly failing to observe the fast in

Ramadan, damaging or desecrating places of worship, disturbing people during their performance of religious observances, attacking places for the burial of the dead or publishing printed, pictorial or graphic material that is likely to offend religious susceptibilities or beliefs (arts. 273-278).

Freedom of assembly and association

43. Under article 16 of the Jordanian Constitution, individuals have the right to assemble and form associations. Paragraph 1 of that article stipulates that: "Jordanians have the right of assembly within the limits of the law." Paragraph 2 of the same article further stipulates that: "Jordanians have the right to form associations and political parties, provided that their aims are lawful, that their means are peaceful and that their rules of procedure are consistent with the provisions of the Constitution."

44. The Public Assembly Act No. 60 of 1953 regulates the right of assembly provided for in the Constitution by stipulating a number of conditions, including the requirement to notify the Government of any planned gathering, the time, place and purpose of which must not be prejudicial to public order or security.

45. The right of association is recognized in article 16, paragraph 2, of the Jordanian Constitution, which stipulates that the procedures for the formation of associations and political parties and for the control of their resources shall be regulated by law.

46. In Jordan, freedom of association is regulated by the Associations and Social Organizations Act No. 23 of 1966, article 5 of which stipulates that the establishment of associations and social organizations requires written authorization from the competent minister in accordance with the provisions of the Act. Article 16 of the Act empowers the competent minister to order the dissolution of any association that violates its statutes, fails to pursue the aims specified therein or breaches any provision of the Act. Hence, this freedom is not absolute since the Constitution stipulates that assembly must be within the limits of the law and that associations must pursue lawful aims, employ peaceful means and respect the provisions of the law.

47. The Jordanian Penal Code prohibits the establishment of some associations and makes provision for their dissolution and the punishment of their founders and members. Examples of these are associations of felons for the purpose of committing offences against property or persons or assaulting and robbing passers-by, as well as unlawful associations seeking to change the Kingdom's Constitution through insurrection or subversion, to overthrow the Kingdom's constitutional government through the use of force, violence or subversion or to destroy government property.

48. The Penal Code also prescribes penalties for anyone who becomes a member of an unlawful association, pays contributions, subscriptions or donations to an unlawful association or prints the publications of such an association (see annex 3).

Legislation concerning professional associations

49. In Jordan, professional associations are not regulated by a single comprehensive legislative enactment. Each such association has its own statutes under the terms of which it issues the rules of procedure and instructions needed to regulate the affairs of the profession without any interference by the executive authority, since the regulations and directives concerning the affairs of the profession are formulated collectively by the congress of each association.

50. Accordingly, article 16 of the Constitution guarantees freedom of association and the right of the members of each association to organize themselves in the way that they deem appropriate. The Constitution allows each association to regulate the affairs of the profession concerned through its own statutes. The Government does not interfere in the manner in which professional associations procure and spend their financial resources.

51. The principal professional associations in Jordan are the Engineers' Association, the Medical Association, the Bar Association and the Associations of Agricultural Engineers, Veterinarians and Contractors, in addition to the trade unions to which reference has been made in the report.

52. There is no record of the executive authority ever interfering in the selection of the representatives of these associations, since they are elected under the full supervision of the congress of each association.

Labour and workers

53. The labour law applied in Jordan is Act No. 8 of 1996, which entered into force on 16 June 1996 and was subsequently amended by Act No. 12 of 1997. The provisions of that Act and the regulations promulgated pursuant thereto apply to Jordanian, Arab and foreign workers in the private sector, who are also covered by the provisions of the Social Security Act and the Vocational Training Authority Act.

54. According to the Constitution of the World Health Organization, which was adopted in 1946, the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief or economic or social condition. The Jordanian legislature's position in regard to this right is illustrated by its promulgation of the first Social Security Act of 16 October 1978, under the terms of which the Public Authority for Social Security was established. That Act made provision for the phased application of the following six types of social insurance:

(a) Insurance against employment-related injuries and occupational diseases;

(b) Old-age, disability and death benefits;

(c) Insurance against temporary incapacity due to sickness or maternity;

(d) Health insurance for the worker and his family;

(e) Family allowances;

(f) Insurance against unemployment.

55. The Act defines the persons covered by social insurance as workers who are subject to the provisions of the Labour Act and civil servants who do not belong to a pension scheme. The number of persons covered by social security as of 30 April 1987 amounted to about 411,000 workers and civil servants. The social insurance umbrella was also extended to provide Jordanians working abroad with voluntary cover for retirement, disability and death benefits. The Department of Statistics estimated that, in 1997, the number of Arab workers subject to the Social Security Act amounted to 32,980, of whom 1,889 were insured.

56. In addition to social security, social welfare benefits are also guaranteed to citizens under other legislative enactments such as the Military and Civilian Pensions Acts and the regulations promulgated by the Ministry of Social Affairs and Labour to assist indigent, disabled, elderly, widowed and orphaned persons. The State has also established numerous maternal and child welfare centres to care for families and children.

57. All citizens enjoy the right to work. Under the Constitution, the State undertakes to do everything in its power to ensure the availability of work for Jordanians and to promulgate legislation to protect workers. Free choice of the type of work is a basic principle, since Jordan has ratified the two international labour conventions concerning the abolition of forced labour and is committed to the implementation of their provisions. Consequently, there is no forced labour in Jordan. With regard to the practical application of the Jordanian Labour Act, its provisions apply to all workers, regardless of their sex, race, colour or religion, and any rights or privileges recognized therein in regard to general terms and conditions of employment, separation from service indemnities, wages and their guaranteed payment in full are enjoyed by all workers without any discrimination. Furthermore, all workers, regardless of their nationality, race, religion or colour, have the right to institute legal proceedings against their employer in order to claim any of their employment-related rights. The term "worker", as defined in article 2, applies to all (see annex 3).

<u>The granting of precedence to Jordanians over other Arabs, and to Arabs over foreigners in regard to employment and work permits</u>

58. Jordanian workers do not require any official permit whatsoever in order to seek employment, since free choice of the type and location of employment is one of the fundamental freedoms enjoyed by every Jordanian citizen.

59. In accordance with article 12 of the Labour Act, Arab and foreign immigrant workers must obtain approval and a work permit from the Minister of Labour before they can be employed. In fact, Arab and foreign immigrant workers can be employed only in jobs requiring skills or experience that Jordanian workers do not possess or for which the number of qualified Jordanian workers is insufficient since, as a matter of principle, Jordanian workers are accorded precedence over immigrant workers in regard to

appointment. The granting of precedence to Arab workers, experts and technicians does not constitute a form of discrimination; it is merely an aspect of regional cooperation among the Arab States under the terms of labour agreements between the States of the region. The requirement that every Arab and foreign immigrant worker must obtain a work permit and approval from the Minister of Labour is stipulated in the Jordanian Labour Act and is applied in a manner consistent with the needs of the labour market (see annex 4).

Trade unions

60. With regard to the right to form and join trade unions, the Labour Act recognizes the right of workers to establish and join a trade union of their own. Under the Act, employers are not permitted to make the employment of a worker conditional on his non-membership or withdrawal from membership of a trade union, nor are they permitted to dismiss a worker or deprive him of any of his rights because of his membership of a trade union or his participation in its activities. Trade unions have the right to open branches in all parts of the Kingdom in order to enable workers to join. The right of association is regulated by the Jordanian Labour Act and also by the Trade Union Act No. 35 of 16 February 1953.

61. The Labour Act No. 21 of 1960, as amended, specified the procedures for the registration and establishment of trade unions in Jordan. It also gave trade unions the right to join any international labour organization, subject to approval by the Minister of Labour, as well as the right to form occupational and general federations. However, freedom of association is not absolute, since the Act makes the establishment of any trade-union grouping subject to approval by the Council of Ministers on the basis of a recommendation by the competent minister. It also empowers the Council of Ministers to dissolve a trade-union grouping for reasons relating to security and public safety. Article 104 of the Labour Act prohibits strikes and lock-outs and prescribes specific penalties for anyone who instigates them.

62. Jordan has ratified 17 of the International Labour Conventions and is fully committed to the implementation of their provisions. The conventions comprising provisions that prohibit racial discrimination include:

(a) Convention No. 105 of 1957 concerning the abolition of forced labour, which prohibits forced labour as a means of racial, social, national or religious discrimination;

(b) Convention No. 111 of 1958 concerning discrimination in respect of employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, including access to vocational training and terms and conditions of employment;

(c) Convention No. 117 of 1962 concerning basic aims and standards of social policy, which stipulates that migrant workers should be enabled to transfer part of their wages to their home countries and should enjoy advantages not less than those enjoyed by resident workers. According to this convention, it should be an aim of policy to abolish all discrimination among

workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of conditions of work, safety, wage rates, training opportunities and disciplinary measures;

(d) Convention No. 118 of 1962 concerning equality of treatment of nationals and non-nationals in social security, under the terms of which the State must ensure equality between national and non-national workers in regard to the benefits provided for in the Convention.

63. The provisions contained in the Social Security Act do not distinguish between Jordanian and non-Jordanian workers in regard to the obligatory insurances referred to therein. The Vocational Training Authority Act contains no provision that is discriminatory or impedes access to vocational training opportunities. There is no legislation under which a migrant worker is prevented from transferring all or part of his wages to his home country. In 1996, 427 workers from various States benefited from vocational training in Jordan (see annex 4).

64. The following trade unions are registered with the Ministry of Labour:

1. The Union of Municipal Workers.
2. The Union of Private Education Workers.
3. The Union of Textile Industry Workers.
4. The Union of Air Transport Workers.
5. The Union of Health Service Workers.
6. The Union of Railway Workers.
7. The Union of Printing and Publishing Workers.
8. The Union of Construction Workers.
9. The Union of Workers in General Services and the Liberal Professions.
10. The Union of Electrical Workers.
11. The Union of Land Transport and Mechanical Workers.
12. The Union of Banking, Insurance and Accountancy Workers.
13. The Union of Port and Customs Clearance Workers.
14. The Union of Workers in Commercial, Private and Craft Establishments.
15. The Union of Food Industry Workers.
16. The Union of Petroleum and Chemical Workers.
17. The Union of Mining Workers.

65. The distribution of non-Jordanian workers registered with the Ministry of Labour, by nationality, in 1996 is shown in the following table:

State	Males	Females
Arab States	29 397	171
Egypt		
Syrian Arab Republic	1 269	17
Other	1 933	225
Asian States		
Pakistan	1 351	151
India	789	61
Philippines	135	1 318
Sri Lanka	164	4 233
Other	806	79
United States of America	78	36
Non-Arab African States	10	10
Other foreign States	35	27
Total	36 463	6 513

Assistance for the nomads

66. The nomadic population is not an independent or isolated segment of Jordanian society since, as citizens, the nomads are being absorbed into the major towns and villages and enjoy the same services as the Kingdom's urban population. However, there are still a few non-sedentary nomadic groups engaged primarily in livestock breeding in various parts of the Kingdom. Nevertheless, these groups benefit from the public services that the Government has undertaken to provide even in the most undeveloped areas of the Kingdom. In 1990, the Government promulgated a special legislative act, known as the Rural Electrification Project, as a result of which 98 per cent of the Kingdom's population, including the nomadic communities, now have access to electricity services. The Government also adopted a plan for a comprehensive territorial survey of the locations of nomadic communities under which priority was accorded to the organization of these nomadic groups living in remote areas by providing them with the requisite services, including water, electricity, roads and schools, etc.

67. In Jordan, the nomads are divided, by area of residence, into northern, central and southern nomads so that they can be allocated seats in the House of Representatives, in which they hold 6 out of a total number of 80 seats. These nomadic groups constitute about 4.4 per cent of the total population.

68. The Jordanian Government is constantly improving the social situation of these groups by studying housing needs in the desert and providing employment-related accommodation in desert areas, particularly for teachers and government employees in border regions. Mosques have also been built for

communities that lacked them and endeavours are being made, through charitable associations, to develop the capacities of nomadic women by reviving handicraft industries and providing facilities for the marketing of their products. The Government is encouraging women to enrol at centres for the eradication of illiteracy. The Documentation and Libraries Department and local councils are also being encouraged to collaborate in the establishment of mobile public libraries and the development of school and mosque libraries.

69. The number of literate nomads is estimated as follows:

Number of literate persons in the northern desert	17 113
Number of literate persons in the central desert	4 449
Number of literate persons in the south	8 321
Total	29 884

70. The nomadic population amounts to 99,700 persons, of whom about 30 per cent are literate.

Annexes

Annex 1: The House of Representatives Electoral Law (Act No. 22 of 1986, as amended).

Annex 2: The Political Parties Act No. 32 of 1992.

Annex 3: Court judgements and decisions.

Annex 4: Number of non-Jordanian Arabs enrolled at Jordanian vocational training centres.

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